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REMARKS

The Office Action of July 13, 2004 states that the present application claims three distinct inventions each comprising two species, for a total of six species, and requires restriction of prosecution in the present application to one of the six species. The restriction requirement is traversed as follows.

First, the restriction requirement incorrectly asserts that claim groups I (process claims 1-12), II (device claims 13-16), and III (device claims 17 and 19-20) each fall under different subclasses of class 102. For example, the Classification Manual expressly states why group II (claims 13-16) cannot be classified in subclass 202.5, but instead belongs in subclass 206 - the same subclass in which the Examiner (correctly) classified group I:

In this group of subclasses are electrically energized ignitors or detonators not contained in a container. If there are components in addition to the detonating or igniting device forming an electric circuit within the container common unit and wires or terminals leading outside the unit to some continuation of the circuit, the claim will be classified within this group of subclasses. If electrical components are claimed in addition to the lead wires outside of common unit, the claim will be classified under subclasses 206+.

Classification Manual, Class 102, Subclass 202.5 (emphasis added). Claims 13-16 certainly claim electrical components in addition to the lead wires outside of the common unit, e.g., the "master device" recited in part a of claim 13 (and therefore also in each of dependent claims 14-16). Thus, claims 13-16 are in the same subclass in which the Examiner classified claims 1-12.

Second, the restriction requirement's only support for distinctness between groups I and II/III is that:

[T]he process as claimed can be practiced by another materially different apparatus, such as the prior systems wherein the charging is intermittent or by the set forth prior art system of 6,584,907 (Boucher).

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Since the present Office Action is merely a restriction requirement, presumably there has not been further substantive examination or consideration of the prior art in light of the amendments filed on March 22, 2004. Upon doing so, however, it should be appreciated that process claims 1-12 (group I) have been amended to clarify the patentable distinction over Boucher that "selected slave devices begin charging at different times from other slave devices." Thus, the process as claimed does not read on the noted prior art, in which the intermittency or staggering of charging is only within a slave device, and is not among them. In any case, the prior art issue is a red herring in terms of distinguishing group I, because process claim 1 mirrors device claim 13 with the exception of grammatical differences between a process claim and a corresponding apparatus claim (e.g., "establishing," "connecting," etc.), and they are indistinguishable under MPEP 806.05(e).

Third, the restriction requirement's only support for distinctness between claim groups II and III is that "the combination as claimed does not require the particulars of the subcombination as claimed because the details of the subcombination are not set forth in the combination (i.e., temporally staggered electrical energy). The subcombination has separate utility such as golf cart recharging station." These comments are difficult to understand because the restriction has the subcombination-combination relationship between groups II and III backwards; the slave device of independent claim 17 is a subcombination of the electronic system of independent claim 13 rather than vice-versa. In any case, to the extent understood, the assertion of distinctness due to missing "details ... i.e., temporally staggered electrical energy," is traversed because that detail is implicit in the rest of the claim language, and the assertion of distinctness due to separate utility is traversed because groups II and III apply to golf cart recharging station equally well. (Of course,

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such an example contemplates multiple golf carts because each of groups II and III recites "multiple slave devices" in the system).

Fourth, and finally, the restriction requirement asserts that each of the alleged three groups further contains two patentably distinct species, i.e., the embodiments of Fig. 1 (unbranched bus) and 2 (branched bus). It is unclear what the distinction of a branched versus unbranched bus has to do with the present claims, since none of the claims refer to this feature and all are generic to the embodiments of Figs. 1 and 2.

Subject to traversal, Applicant provisionally elects group I/species I for prosecution in the present application. Claims 1-13 read on the elected group/species. It is respectfully requested that the restriction requirement be reconsidered, however, at a minimum with respect to the restriction between groups I and II.

It is also noted that withdrawn claims are subject to reinstatement at such time as pertinent linking claims are found allowable. It is believed that no fees are due with the present response, but if any fee is required, it is hereby requested that such fees be charged to the undersigned's Deposit Account No. 502502.

Respectfully submitted,

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